

Judge J. Richard Creature

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

CASE NO. C14-5329JRC

Plaintiff,

V.

\$133,215.00 IN UNITED STATES
CURRENCY,

JUDGMENT OF FORFEITURE

Defendant.

Plaintiff, the United States of America, brought this civil action by filing a *Verified*

Complaint for Forfeiture in Rem on April 22, 2014, seeking forfeiture of the above-

captioned \$133,215.00 in United States Currency that was seized on September 4, 2013 from

Claimant RODRIGO HERNANDEZ-SANCHEZ at his residence located at 1004 4th Street

NE in Puyallup, Washington 98372 (“Defendant Currency”).

The *Complaint* alleged that the Defendant Currency is subject to forfeiture to the

United States pursuant to 21 U.S.C. § 881(a)(6), which provides for the forfeiture of

currency constituting moneys, negotiable instruments, securities, or other things of value

furnished or intended to be furnished by any person in exchange for a controlled substance;

all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and

1 securities used or intended to be used to facilitate violation of 21 U.S.C. §§ 841(a)(1),
 2 841(b)(1)(A), 841(b)(1)(B), and 846. As set forth in the *Affidavit of Edward Chan in*
 3 *Support of the Verified Complaint for Forfeiture in Rem*, the Government alleged that the
 4 Defendant Currency was seized as part of an investigation into a Drug Trafficking
 5 Organization (“DTO”) conspiracy between members of the DTO and others to distribute
 6 heroin, cocaine, and methamphetamine in Washington—as charged in the criminal case
 7 *United States v. Jose Ayala Mazoraquil, et al.* filed in the U.S. District Court for the Western
 8 District of Washington at Case No. CR13-0273MJP.

9 On April 22, 2014, the United States filed a *Notice of Verified Complaint for*
 10 *Forfeiture in Rem*, in which all interested persons were advised to file their claims pursuant
 11 to Supplemental Rule G(5) of the Federal Rules of Civil Procedure with the Clerk of the
 12 Court within thirty-five (35) days after the date of service of the *Complaint* and to serve their
 13 Answers to the *Complaint* within twenty-one (21) days after filing a claim.

14 Pursuant to Supplemental Rule G(4)(a)(iv)(C) of the Federal Rules of Civil
 15 Procedure, notice of the forfeiture action was published on www.forfeiture.gov for thirty
 16 (30) consecutive days beginning on April 24, 2014. All interested persons were advised to
 17 file their claims to the Defendant Currency pursuant to Supplemental Rule G(5) of the
 18 Federal Rules of Civil Procedure with the Clerk of the Court within sixty (60) days after the
 19 first date of publication and to serve their answers to the *Complaint* within twenty-one (21)
 20 days after filing a claim.

21 On May 27, 2014, Claimant RODRIGO HERNANDEZ-SANCHEZ filed a *Verified*
 22 *Claim* to the Defendant Currency via his attorney of record, Michael S. Clark. The Claimant
 23 signed his *Claim* before a Vice Consul of the United States of America at Tijuana, Baja
 24 California, Mexico. The Claimant, through counsel, then filed an *Answer* with affirmative
 25 defenses on August 6, 2014.

26 On February 27, 2015, the Court granted Mr. Clark’s *Motion to Allow Withdrawal*, in
 27 which Mr. Clark stated that he had lost contact with the Claimant despite multiple attempts
 28

1 to contact him; therefore, he could not obtain responses to the outstanding discovery requests
 2 propounded by the Government on his client.

3 On April 1, 2015, the Government filed a *Motion for Summary Judgment and to*
 4 *Strike Forfeiture Claim*. Specifically, the Government moved to strike RODRIGO
 5 HERNANDEZ-SANCHEZ's claim because he failed to maintain communication with his
 6 attorney, failed to communicate with the Government after his attorney was permitted to
 7 withdraw, and failed to respond to outstanding discovery requests. Additionally, the
 8 Government moved for summary judgment on the following grounds: the Claimant failed to
 9 respond to the Government's discovery requests, thereby leaving undisputed the facts
 10 necessary to support a forfeiture judgment; the Defendant Currency is forfeitable to the
 11 Government because there is a nexus between the criminal activity and the Defendant
 12 Currency by a preponderance of the evidence; and, finally, the Claimant is not an "innocent
 13 owner."

14 On May 27, 2015, this Court entered an *Order Granting Plaintiff's Motion to Strike*
 15 *and for Summary Judgment*, thereby striking RODRIGO HERNANDEZ-SANCHEZ's
 16 Claim and granting summary judgment to the Government. In its *Order*, the Court directed
 17 the Government to file a proposed Judgment of Forfeiture within ten days.

18 All persons and entities believed to have an interest in the Defendant Currency were
 19 given proper notice of the intended forfeiture. No other claimants have come forward to
 20 assert an interest in the forfeited property, and the time for doing so has expired. Now
 21 therefore, it is hereby

22 ORDERED, ADJUDGED and DECREED as follows:

23 1. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1345
 24 and 1355.

25 2. Pursuant to 21 U.S.C. § 881(a)(6), the above-captioned \$133,215.00 in United
 26 States Currency is hereby forfeited to the United States of America. No right, title, or
 27 interest in said \$133,215.00 shall exist in any other party.

3. The United States Marshals Service shall dispose of the \$133,215.00 in accordance with the law.

DATED this 3rd day of June, 2015.

J. K. Ward (matins)

J. Richard Creatura
United States Magistrate Judge

Presented by:

/s/ Richard E. Cohen
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